

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10202 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

GUJARAT HIGHCOURT NON GAZETTEDMINISTERIAL STAFF ASSOCIATION

Versus

STATE OF GUJARAT

Appearance:

MR MUKUL SINHA for Petitioner

MR PG DESAI for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 05/05/99

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. The learned counsel for the petitioner does not dispute that the Assistants who are working in this Court are in the pay-scale of Rs.1640-2900. The Notification of the Government of Gujarat dated 7.11.96 is very clear and the Assistants of this Court have rightly not been accepted to be entitled for adhoc bonus. The State of Gujarat has given adhoc bonus in parity to the Resolution of the Government of India and thereunder, it is made clear that only the employees who fall in Group-C and D are entitled for adhoc bonus. This is not a simple case

of Group-C and D, but there also, it is made clear that only those employees shall be entitled to adhoc bonus in the case of Group-C who is holding the post carrying the pay or the scale of pay with a maximum of over Rs.1,150/but less than Rs.2,900/= The maximum pay-scale of the Assistants of this Court is Rs.2,900/= and their case clearly falls under Group-B.

#. The contention of the learned counsel for the petitioner that the post of Assistant is Class-3 post in the State of Gujarat and when all other employees of Class-3 are entitled then merely on this ground the Assistants could not have been deprived of the benefit of adhoc bonus. It is further contended that if these persons are denied the benefit of this adhoc bonus on this ground, it will make a hostile discrimination.

#. I do not find any merits in this contention of the learned counsel for the petitioner. When the Central Government has made it clear as to who are entitled for adhoc bonus with reference to the pay and pay-scale, then it has to be strictly construed and where maximum of the pay-scale of the Assistants is Rs.2,900/=:, certainly they cannot be given benefit of adhoc bonus and it has rightly not been given to them. There is no question of any discrimination as the Government is within its competence to provide cut of pay or the pay-scale for entitlement of adhoc bonus. In the result, this special civil application fails and the same is dismissed.

(S.K.Keshote, J.)

[sunil]